

CROMPTON | SEAGER | TUFTE | LLC
Patent, Trademark & Copyright AttorneysRECEIVED
CENTRAL FAX CENTER
DEC 30 20051221 Nicollet Avenue, Suite 800
Minneapolis, Minnesota 55403-2420
Phone 612.677.9050
Fax 612.359.9349**FAX TRANSMISSION**

DATE: December 30, 2005

TO: Commissioner for Patents
Attn: Examiner OFFICE OF PETITIONS
P.O. Box 1450
Alexandria, VA 22313-1450

FROM: Glenn M. Seager

OUR REF.: 1001.1351114
TELEPHONE: 612.359.9312

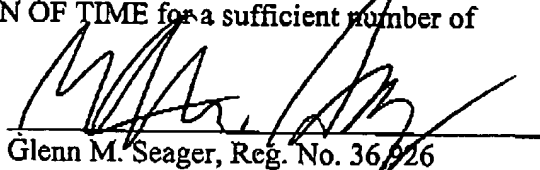
Total pages, including cover letter: 2

PTO FAX NUMBER 571-273-8300


If you do NOT receive all of the pages, please telephone us at 612.677.9050 or fax us at 612.359.9349.

Title of Document Transmitted: Petition for Revival of an Application for Patent
Abandoned Unintentionally Under 37 CFR 1.137(b)Applicant: John M.K. Daniel et al.
Serial No.: 10/650,304
Filed: August 28, 2003
Group Art Unit: 3731
Our Ref. No.: 1001.1351114
Confirmation No: 6921
Customer No.: 28075Please charge Deposit Account No. 50-0413 in the amount of \$1,500 for Petition Fee.
Please charge any additional fees or credit overpayment to Deposit Account No. 50-0413.
Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

By:


Glenn M. Seager, Reg. No. 36,926

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.


JoAnn Lindman12-30-05
Date

DEC 30 2005

PTO/SB/84 (10-05)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

1001.1351114

First named inventor: John M.K. Daniel

Application No.: 10/650,304

Art Unit: 3731

Filed: August 28, 2003

Examiner: Nguyen, Vi X

Title: DISTAL PROTECTION DEVICE AND METHOD

Attention: Office of Petitions
Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
 Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of a Continuation Application (identify type of reply):

☒ has been filed previously on December 21, 2005
☐ is enclosed herewith.

01/03/2006 TL0111 00000049 500413 10650304

B. The issue fee and publication fee (if applicable) of \$ _____
☐ has been paid previously on _____
☐ is enclosed herewith.

01 FC:1453 1500.00 DA

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (10-05)

Approved for use through 07/31/2008, OMB 0851-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

Glenn M. Seager

Typed or printed name

CROMPTON, SEAGER & TUFTE LLC

Address

1221 Nicollet Avenue, Suite 800, Minneapolis, MN 55403

December 30, 2005

Date

36,926

Registration Number, if applicable

612-677-9050

Telephone Number

Enclosures:



Fee Payment

Please charge any additional fees or credit overpayment to Deposit Account 50-0413.



Reply



Terminal Disclaimer Form



Additional sheets containing statements establishing unintentional delay



Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:



Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.



Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

December 30, 2005

Date

Signature

JoAnn Lindman

Typed or printed name of person signing certificate

(Page 2 of 2)